

REMARKS

At the time of the Office Action dated March 26, 2007, claims 1-17 were pending and rejected in this application. Claims 1 and 11 have been amended to respectively include the limitations of claims 3 and 13, and consequently, claims 3 and 13 have been cancelled. Claims 1 and 11 have also been amended to clarify that "the set of components are application components, and the application comprises the set of components," and support for these limitations can be found throughout the originally-filed disclosure, for example, in lines 6-8 of paragraph [0021]. Claims 8-10 have also been cancelled. Applicants submit that the present Amendment does not generate any new matter issue.

**CLAIMS 1-4, 6-9, 11-14, AND 16-17 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING
ANTICIPATED BY AVVARI ET AL., U.S. PATENT NO. 6,978,401 (HEREINAFTER AVVARI)**

On pages 3-5 of the Office Action, the Examiner asserted that Avvari discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

Claims 1 and 11 have each been amended to recite the following:

said identifying step comprises the step of inspecting each component in said set for data and method member references to other ones of said components in said set, said references indicating a dependency, and

the components are application components, and the application comprises the set of components.

To teach the first phrase of these limitations, the Examiner cited Figures 7B-7C and also to column 9, lines 33-67 of Avvari. For ease of reference, the Examiner cited passage is reproduced below:

As will be explained in more detail below, determining the cause of the crash as associated with the production Java VM 104 by mimicking the behavior of the application executable 102 is performed by the compare engine 114 using the test data structures (herein also referred to as test call trees) 112a and application data structure 112 (herein also referred to as application call trees). In one example, the compare engine 114 determines whether the behavior of the application executable 102 can be replicated using the existing test data structures 112a. That is, whether all paths traversed in the application data structure 112b can be traversed by paths in the test data structures 112a. If such determination is made, the production Java VM 104 is run using the existing test data structures 112a. However, if certain paths in the application data structure 112b cannot be located in the test data structures 112a, new test cases may need to be developed to cover any portion of the production Java VM 104 not previously covered by any test cases (i.e., any gaps). Additional detail with regard to the functions of the compare engine 114 is provided below.

A call tree format of the application data structure 112b and test data structures 112a of the present invention can further be understood in reference to FIGS. 7B and 7C, respectively, in accordance with one embodiment of the present invention. As shown, the application data structure 112b is a complex hierarchical call tree including a plurality of functions and methods "a" through "z." In comparison, the test data structures 112a includes a plurality of test cases TC1 through TC17, corresponding to test call trees 112a-1 through 112a-17. In one example, the application data structure 112b and the test data structures 112a are stored in the database 112 in the form of tables. As illustrated, paths covered by the plurality of test data structures 112a-13 through 112a-17 are not covered by the application data structure 112b.

Upon reviewing this passage, Applicants are entirely unclear exactly where Avvari teaches inspecting each component for method member references.

In this regard, reference is made to paragraph [0023] of Applicants' disclosure, which is reproduced, in part, below:

The interdependencies 240 can be representative of dependent relationships between each of the application components 230. These interdependencies 240 can be resolved by inspecting method calls to methods disposed within different ones of the components 230 thus indicating a dependent relationship.

As described therein method calls by one application component to another application component indicates an interdependency between these respective applications components. The teachings of Avvari, however, are silent as to these method member references (i.e., method call

to another application component). Although column 9, lines 58-59 refers to "methods," Avvari does not teach these methods are method member references, as claimed.

Applicants also note that the features that the Examiner has identified as being comparable to the claimed "component" are data structures and not application components of the application, as described in the specification and as claimed. As is well known to those skilled in the art, application components and data structures are very different features. Therefore, for the reasons stated above, Applicants respectfully submit that the imposed rejection of claims 1-4, 6-7, 11-14, and 16-17 under 35 U.S.C. § 102 for anticipation based upon Avvari is not viable and, hence, solicit withdrawal thereof.

CLAIMS 1, 8, AND 11 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY KIMURA ET AL., U.S. PATENT NO. 6,996,516 (HEREINAFTER KIMURA)

On pages 5 and 6 of the Office Action, the Examiner asserted that Kimura discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

Claims 1 and 11 have each been amended to include limitations previously presented in claims 3 and 13, which the Examiner impliedly admits is not identically disclosed by Kimura. Therefore, Applicants respectfully solicit withdrawal of the imposed rejection of claims 1 and 11 for anticipation based upon Kimura.

CLAIMS 5, 10, AND 15 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON AVVARI IN VIEW OF DAYANI-FARD ET AL., U.S. PATENT NO. 6,339,776 (HEREINAFTER DAYANI-FARD)

On pages 6 and 7 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Avvari in view of Dayani-Fard to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 5, 10, and 15 respectively depend from independent claims 1, 8, and 11, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1, 8, and 11 under 35 U.S.C. § 102 for anticipation based upon Avvari. The secondary reference to Dayani-Fard does not cure the argued deficiencies of Avvari. Accordingly, even if one having ordinary skill in the art were motivated to modify Avvari in view of Dayani-Fard, the proposed combination of references would not yield the claimed invention. Applicants respectfully submit that the imposed rejection of claims 5, 10, and 15 under 35 U.S.C. § 103 for obviousness based upon Avvari in view of Dayani-Fard is not viable and, hence, solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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